UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
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June 8, 2009

Colonel Paul Grosskruger
District Engineer, Jacksonville
U.S. Army Corps of Engineers
701 San Marco Blvd.
Jacksonville, FL 32207
ATTN: Ms. Leah Oberlin / Mr. David Hobbie

Subject: Final Supplemental Environmental Impact Statement (FSEIS) on "Rock Mining in the Lake Belt Region of Miami-Dade County, Florida"; CEQ No. 20090117; ERP No. COE-E39078-FL

Dear Colonel Grosskruger:

Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the subject U.S. Army Corps of Engineers (COE or USACE) FSEIS on the environmental impacts associated with continued limestone rock mining in Miami-Dade County, Florida. Limestone mining in Florida has occurred in a region described as the "Lake Belt" since the mine pits generated by rock removal resulted in a chain of deep lakes. The Lake Belt is situated along the eastern boundary of the Everglades National Park (ENP) and Water Conservation Areas (WCAs) in northwestern Miami-Dade County. Limestone rock provides base materials used in building homes, roads and other infrastructure. Although the Lake Belt lakes help separate and buffer the Everglades from encroachment of east coast development, rock mining is being conducted by private mining companies (applicants or miners) and therefore is not a component of the federal Comprehensive Everglades Restoration Plan (CERP) or state Acceler8 Program designed to restore the Everglades.

Background

The original Lake Belt Plan proposed 50 years of rock mining in the Lake Belt area. In April 2002, the COE issued a Record of Decision (ROD) on the initial Programmatic EIS (PEIS) and 10-year Clean Water Act (CWA) Section 404 permits authorizing mining in the Lake Belt, based on the tenants of the mining plan. The COE's permitting provided for rock mining in some 5,400 acres of wetlands. However, the PEIS was challenged as being deficient and the U.S. District Court ordered development of an SEIS.

EPA coordination has been extensive with the COE pursuant to Lake Belt NEPA issues and CWA Section 404 permit issues. Beyond our NEPA comments on the PEIS,

EPA (Water Protection Division) provided comments to the COE on issues such as the Section 404 permit public notices in letters dated August 21, 2000; September 15, 2000; April 26, 2001 and February 7, 2002. More recently, EPA provided NEPA comments on the Draft SEIS (DSEIS) in a letter dated October 19, 2007.

Our comments on the DSEIS focused on: 1) mining impacts to wetlands and mining impact mitigation sufficiency; 2) mining-related seepage impacts to wetlands in the Lake Belt area and the lack of specific seepage remediation actions; and 3) direct and indirect adverse water quality/drinking water impacts on the Miami-Dade Northwest Wellfield (NWWF) from limestone mining-related activities. More specifically, we were concerned about the effects of rock mining on reducing the hydroperiods of the Pennsuco wetlands and the availability of potential mitigation sites outside the Pennsuco wetlands; mitigation for eastward groundwater seepage flows out of the ENP and WCA-3B and into the mine pit lakes attributable to rock mining; and the mining effects of limestone removal (to 80-ft depths) on the sole-source Biscayne Aquifer relative to potential microbial and chemical contamination of Miami-Dade's drinking water supply.

Current Status & FSEIS Proposals

As a result of the above District Court decision, rock mining has been stayed in the Lake Belt until completion of the SEIS. Although a part of this court decision was remanded, the ruling was essentially upheld such that all Lake Belt limestone mining has been discontinued since January 30, 2009. Approximately one-half of the 5,400 acres of wetlands permitted by the COE in 2002 had been mined by that date (2,861 acres).

Changes in the project area have occurred since the original PEIS and between the DSEIS and the present FSEIS. These changes have complicated comparison of alternatives relative to impacts to wetland and other cover types. Specifically, the 57,516 acre project area of the PEIS was reduced to 50,601 acres at the SEIS stage, and some 600 acres of land was withdrawn from the mining plan by the miners since the DSEIS. These changes were incorporated in the development of the modified Lake Belt baseline used for the FSEIS. Relative to this "2002 baseline", acreage differences in affected cover types were generated for each alternative considered in the FSEIS based on their respective mining impacts (Tables 2-16 to 2-24).

The FSEIS presents the No Action (Alt. 1) and eight action alternatives (Alt. 2-9) for consideration. The FSEIS does not identify a COE NEPA preferred alternative. However, Alternative 1 is the No Action Alternative (i.e., no continued mining since no additional permits would be issued after the SEIS ROD); Alternative 3 is the new preferred alternative of the miners for an approximate 23-year term; and Alternative 4 (the miners' former preferred alternative) represents the full mine-out under the original Lake Belt Plan for an approximate 39-year term. Moreover, Alternative 2 provides an intermediate mining scenario (mining until 2016), while Alternatives 5-9 (mining until 2041 to 2047) provide mining exclusion zones between the project area and the Pennsuco wetlands and/or the ENP and were developed in response to public comments on the DSEIS. Regardless of which alternative is selected in the SEIS ROD, the FSEIS is clear

(pg. 2-21) that no subsequent CWA 404 permits would be issued for mining in the Lake Belt project area after the term of the alternative is completed. In addition to issuance of the FSEIS, the COE has concurrently re-issued a public notice for its CWA 404 permit for the Lake Belt Project.

With regard to wetland impacts relative to the 2002 baseline, Table 2-25 indicates that the nine alternatives ranged from a loss of 2,861 acres (Alt.1) to 14,823 acres (Alt. 4) relative to the 2002 baseline, while losses of natural cover types ranged from 2,422 acres (Alt. 1) to 12,779 acres (Alt. 4)[1]. Also, Tables 2-16 to 2-24 show that the increases in the acreage to be mined relative to the 2002 baseline ranged from 2,176 acres (Alt. 1) to 18,009 acres (Alt. 4).

EPA Comments & Conclusions

Because the FSEIS did not select a COE preferred alternative, we have commented on the alternatives presented in the document. We have also concentrated our FSEIS review on our three primary concerns regarding wetland, groundwater seepage and drinking water impacts referenced in the DSEIS. We have also provided additional comments on local Total Maximum Daily Loads (TMDLs) as they relate to mining.

We note that the COE's responses to our DSEIS comments are found in Appendix G (Vol. 2) of the FSEIS. However, all public comments have been bundled by topic and numbered without identifying the comment authors, making identification of the District's responses to EPA comments cumbersome.[2] We have therefore not commented on each COE response to public or presumed EPA comments on the DSEIS, but rather have focused on alternatives and the above three main impact areas by selectively using Appendix G and the text of the FSEIS main document.

Our comments on the FSEIS are summarized below and detailed in the enclosed *Detailed Comments*. We offer the following conclusions on alternatives, wetlands, groundwater seepage, drinking water and TMDLs.

* Alternatives – EPA finds that Alternative 3 (miners' preferred alternative) merits further consideration by the COE (Fig. 2-4). However, this alternative would need to be modified ("Mod 3") to lessen our wetland and seepage flow concerns. EPA believes that the wetland losses of Alternative 3 (10,070 acres relative to the 2002 baseline including 6,800 acres of direct impacts to historic Everglades wetlands) must be significantly reduced, with areas where mitigation for seepage flows is uncertain excluded from mining.

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[1] The FSEIS would have been significantly improved if the derivation of the wetland acreage losses for each alternative summarized in Table 2-25 would have been shown in Tables 2-16 to 2-24 (such as the acreage of the natural cover types were shown).

[2] While we can appreciate the need to streamline voluminous comments, a more traditional approach to comment/responses is to number comments on the copy of the agency letter and to respond directly to that numbered comment with a COE response. This greatly facilitates the review of the responses to verify agreement or continued concerns. For future reference, we suggest that resource agency comments be treated more individually, so that the agency is at a minimum identified in the comment.

Specifically, we recommend that "Mod 3" incorporate three mining exclusion areas within the project area to reduce wetland losses and minimize seepage flows out of WCA-3B and ENP:

+ *Eastern Buffer Strip* – This setback consists of a sufficient buffer strip approximately 1,500 feet in width along the eastern border of the Pennsuco wetlands immediately east of the Dade-Broward canal/levee and the proposed seepage recharge canal. The FSEIS discusses such an exclusion zone (1,500 foot wide setback) east of the Dade-Broward levee for Alternative 8, as a way to protect Pennsuco wetland functions. EPA supports the FSEIS discussion of such a setback and recommends that no mining be permitted within 1,500 feet of the Dade-Broward levee.

+ *Southern Portion* – The entire southern (so-called "Kendall") portion of the project area south of Tamiami Trail and east of the ENP, in the immediate proximity of the L-31 canal/levee and ENP, should also be excluded from rock mining. However, the ongoing COE review of the seepage flow mitigation plan should nevertheless be continued for this area since aerials show that mining pits have advanced to within a few hundred feet of the ENP.

+ *South of Miami Canal* – A section south of the Miami Canal near its intersection with the L-30 Canal is also of concern – specifically, the area north of the County wellfield protection canal and west of the Florida Power and Light Company (FPL) transmission corridor should also be excluded. Any additional proposed mining in this area would exacerbate existing and problematic west-to-east seepage out of the Pennsuco wetlands (a mitigation area) and WCA 3B that would reduce the hydroperiods of these wetlands.

Additional modification to Alternative 3 may also be necessary. To this end, EPA's generic characteristics of a reasonable alternative for continued Lake Belt mining are presented in the enclosed *Detailed Comments*. Whatever alternative is selected for the Lake Belt, its mining term should be considered the final mining plan for limestone mining in the Lake Belt area.

* Wetlands – Wetland losses for continued Lake Belt mining are significant for all alternatives presented, ranging from 2,861 acres (Alt.1) to 14,823 acres (Alt. 4) when compared to the 2002 baseline. Although we recognize that some of the project wetlands are degraded with invasive species, EPA objects to the overall magnitude of the project's wetland impacts. Our concerns are for both the direct mining impacts and secondary impacts due to seepage flows affecting the Pennsuco and ENP wetlands of the Everglades.

Based on our review of the FSEIS (Section 5.1, pp. 5-2 to 5-4) since the 2002 permits were issued, mining has eliminated 1,132 wetland habitat units (some 2,800 acres of wetlands excavated/filled) and only about 700 wetland habitat units have been created

to offset mining impacts. This situation raises concerns, especially since EPA interprets the wetland mitigation sufficiency discussion in the FSEIS (Section 5.2.5, pp. 5-30 to 5-31) as indicating that sufficient offsite mitigation credits do not appear to be available in Miami-Dade County to support implementation of Alternatives 4 through 9. In addition, sufficient compensatory mitigation to support Alternative 3 is questionable since it relies on land acquisition in the Pennsuco area which is yet to occur. Other factors with a high level of uncertainty also appear to exist.

EPA is currently pursuing a 404(q) elevation for additional coordination and will submit its letter pursuant to CWA Section 404(q), Part IV, paragraph 3(a) in response to the COE's public notice for this project. If discussions under the elevation process are not successful, EPA reserves its additional options under the CWA. Under separate cover, EPA/Region 4's WPD will provide comments on the public notice for the CWA 404 permit for this project.

* Groundwater Seepage – Our groundwater seepage concern is related to our wetlands concern since seepage flows out of the Everglades and into the mine pits (lakes) reduce the hydroperiods of wetlands west of the mining area such as the Pennsuco and ENP wetlands. Although mitigation for seepage was considered in the FSEIS, we note that uncertainties still remain at this time since some mitigation plans are still being reviewed and COE requirements are not planned for inclusion until the ROD. Some areas may remain difficult to mitigate given the porosity of the aquifer's hydrogeology (see above discussion on the area *South of Miami Canal*). As such, EPA requests additional coordination with the COE before the issuance of a prospective SEIS ROD regarding such plans and proposed actions and/or receipt of a draft ROD for our review.

* Drinking Water – EPA is encouraged that adverse water quality impacts due to mining activities have not been identified and that a water quality monitoring program would be required that would include provisions for stop-work and other corrective actions. However, this would not preclude the possibility that additional mining could cause impacts to the water supply. It is also likely that any discovered contamination of the Biscayne Aquifer would be difficult to remediate – and that this would be more critical in this case since it is a sole-source aquifer which supplies 40% of the drinking water to Miami-Dade County. In regard to human health risk assessments, we agree with the COE's Response 39 in Appendix G indicating that DERM, in coordination with the Florida Department of Environmental Protection (FDEP), would have the lead for such analyses. Nevertheless, we strongly encourage continued coordination of monitoring data and protocol between the COE and DERM in this regard.

* TMDLs – The proposed continuance of Lake Belt limestone mining will have to conform to the various nutrients and dissolved oxygen TMDLs as they are approved/established for the project area. These TMDL allocations could affect the rock mining of the area.

Summary

EPA finds that the wetland impacts associated with the presented alternatives for continued limestone mining of the Lake Belt are significant. Moreover, the attendant eastward groundwater seepage flows from the WCAs and ENP into the pits (lakes) created by mining is a related concern. Such seepage flows would reduce the hydroperiods of the Pennsuco and other Everglades wetlands. While the waters of the 80-ft deep lakes intersect with the Biscayne Aquifer by porous limestone, we are encouraged that the FSEIS reports that monitoring has shown no adverse water quality effects due to mining.

EPA recognizes the need for limestone mining. However, we believe that the wetland impacts for continued mining must be reduced and seepage flows minimized and mitigated. Since no preferred alternative was selected in the FSEIS, we believe that the miners' preferred alternative (Alt. 3) merits further consideration by the COE as "Mod 3" to lessen our wetland and seepage flow concerns and allow responsible continued limestone mining along the Lake Belt. However, extensive wetlands and seepage flow impact must be significantly reduced and adequately mitigated. EPA has offered generic characteristics of a reasonable alternative for continued mining at the Lake Belt and, using Alternative 3 as a baseline, has offered a modification of Alternative 3 ("Mod 3") that includes three mining exclusion areas to reduce impacts. Additional modifications may also be necessary. However, whatever alternative or modification is selected in the ROD, its mining term should be considered the final mining plan for limestone mining in the Lake Belt area.

In addition to the ongoing Section 404(q) elevation process, EPA also requests further coordination with the COE prior to the issuance of its SEIS ROD regarding its groundwater seepage mitigation plans, and/or we request a copy of the draft ROD for our review. Subsequently, we request a copy of the final ROD. EPA is also available to discuss a modification of Alternative 3 ("Mod 3") or similar hybrid alternatives that incorporate mining exclusion areas with the COE before the completion of the ROD.

We appreciate the opportunity to provide these comments on the FSEIS. Should you have questions regarding our comments, please contact me or Chris Hoberg of my staff (404/562-9619 or hoberg.chris@epa.gov) for NEPA issues, and Eric Hughes of the EPA Water Protection Division stationed at the Jacksonville District (904/232-2464 or Hughes.H.Eric@usace.army) for wetland technical issues.

Sincerely,

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosure: *Detailed Comments*

cc (email): Paul Souza – USFWS, Vero Beach, FL
Joan Lawrence – DOI, Miami, FL
Terrie Bates – SFWMD, West Palm Beach, FL
Janet Llewellyn – FDEP, Tallahassee, FL
Matt Davis – Miami-Dade DERM, Miami, FL

DETAILED COMMENTS

*** Alternatives**

Nine alternatives are presented in the FSEIS: the No Action (Alt. 1), an intermediate alternative (Alt. 2), the miners' preference (Alt. 3), the full mine-out (Alt. 4), and alternatives with various mining exclusion areas (Alt. 5-9). Although we recognize the need for limestone rock, it is clear that all of these alternatives would significantly impact wetlands along the Lake Belt and can be expected to influence groundwater seepage flows out of the WCAs and ENP. Since a COE preferred alternative was not identified in the FSEIS, we offer the following generic and specific comments regarding alternatives for responsibly completing the Lake Belt Project for the COE's consideration during their ROD decision-making process.

Generically, EPA believes that a reasonable alternative for continued Lake Belt mining should incorporate the following environmental benefits:

* Wetlands: Minimize mining wetland losses.
* Exclusion Areas: Beyond minimizing mining in wetlands, exclude mining in sensitive areas where the success of mitigation is uncertain (e.g., seepage flows associated with mining).
* Seepage Flows: Minimize groundwater seepage flows to protect the Pennsuco Wetlands, ENP and WCA 3B, as part of the Everglades and as a site for wetland mitigation (i.e., the loss of past and future wetland mitigation sites due to project activities is counterproductive and should not occur).
* Footprint: Concentrate the mining footprint and its impacts (e.g., littoral zones around mining pits (lakes) are not requested so that mining can be concentrated and mitigation can be located in more functional contiguous areas).
* Mitigation: Mitigate unavoidable wetland losses and seepage flows using mining company funds being collected per ton of rock mined.
* Term: Consider the mining/permit term of the selected alternative as final for rock mining in the Lake Belt area (i.e., additional permitting, NEPA documentation and piecemeal mining plans should be avoided).
* Disposition: Prevent the public use of lakes in order to reduce the potential for human contamination of the lakes/aquifer. Use by wildlife should also not be encouraged (e.g., avoid creation of littoral zones) to reduce fecal contamination.

Specifically, EPA finds that Alternative 3 merits further consideration by the COE (Fig. 2-4). However, this alternative would need to be modified ("Mod 3") to significantly lessen our wetland and seepage flow concerns and be adequately mitigated. EPA believes that the wetland losses of Alternative 3 (10,070 acres relative to the 2002 baseline and 6,800 acres of direct impacts to historic Everglades wetlands) must be

significantly reduced and areas where mitigation for seepage flows is uncertain should be excluded from mining.

For the modification of Alternative 3, we recommend that "Mod 3" include a sufficient exclusion buffer of approximately 1,500 feet in width along the eastern border of the Pennsuco wetlands immediately east of the Dade-Broward canal/levee and the proposed seepage recharge canal. We further recommend that mining in the southern portion of the project area south of Tamiami Trail adjacent to the ENP (so-called "Kendall" area) be discontinued altogether, so that the remaining footprint for continued mining is concentrated in the main northern footprint adjacent to WCA-3B.[3] Finally, another section south of Miami Canal near its intersection with the L-30 canal – specifically, the area north of the County wellfield protection canal and west of the Florida Power and Light Company (FPL) transmission corridor should also be excluded.

In addition to these three mining exclusion areas, the wetland impacts predicted for the remaining mining areas within the project area should be further reviewed for avoidance and minimization, and mitigation for seepage flows in areas of mining should also be further reviewed and monitored for success or adaptive management. Pilot demonstration studies for seepage flow mitigation should be used where appropriate. Whatever modification is selected, its mining term should be considered the final mining plan for limestone mining the Lake Belt area.

*** Wetlands**

EPA conducted a site inspection of the Lake Belt project area on May 27, 2009, in the company of the Jacksonville District's Regulatory Division project manager and an environmental consultant representing the Miami-Dade Limestone Products Association (MDLPA). Our recent site inspection and ongoing review of the FSEIS continue to cause EPA to have serious concerns with the environmental impacts associated with the proposed mining. As noted in our letter of March 27, 2008, the current proposals are expected to significantly degrade aquatic resources, which is prohibited under Section 230.10(c) of the 404(b)(1) Guidelines. The proposed mining expansion would directly impact 6,800 acres (Alternative 3 in the FSEIS) of historic Everglades wetlands. These impacts will remove the wildlife habitat and water quality buffers that are currently being provided for ENP and for the NWWF. Based on our review of the FSEIS (Section 5.1, pp. 5-2 to 5-4) since the 2002 permits were issued, mining has eliminated 1,132 wetland habitat units (some 2,800 acres of wetlands excavated/filled) and only about 700 wetland habitat units have been created to offset mining impacts. This situation raises concerns, especially since EPA interprets the wetland mitigation sufficiency discussion in the FSEIS (Section 5.2.5, pp. 5-30 to 5-31) as indicating that sufficient offsite mitigation credits do not appear to be available in Miami-Dade County to support implementation of Alternatives 4 through 9. In addition, sufficient compensatory mitigation to support

[3] Although mining should be discontinued in the Kendall area, mitigation for seepage flows should continue since aerials show mining pits have already advanced to within a few hundred feet from the ENP. According to COE Response 27 in Appendix G, the COE has received a seepage mitigation plan from the applicant (Kendall Properties) mining in this area.

Alternative 3 is questionable since it relies on land acquisition in the Pennsuco area which is yet to occur. Other factors with a high level of uncertainty also appear to exist.

*** Groundwater Seepage**

The COE's response to comments in Appendix G referenced groundwater seepage. Response 22 stated that "...a large amount of the seepage from the Everglades to the east is the result of water seeping out of the WCAs into the L-30 and L-31N canals at background levels." Response 24 states that "[p]otential seepage mitigation actions are evaluated in Section 5.3 and the miners proposed seepage plan has been included as Appendix H" and "[s]eepage mitigation requirements will be presented in the ROD, if appropriate, based on the selected Alternative, and any necessary actions will be detailed in any permits that may follow should any permits be issued or reinstated upon reliance of the information in this SEIS." Response 26 states that "[b]ased on the evaluation of the proposed mitigation plan as detailed in Section 5.3.3.1, it is expected that most of the seepage losses in the northern portion of the Lake Belt (above Tamiami Trail) could be offset by construction and operation of the proposed Dade-Broward Levee Recharge Canal." Based on Response 27, we also note that the COE "...has received a proposed mitigation plan that is now under review" for the Kendall Properties permit.

Sections 4.6 and 5.3 of the FSEIS describe and evaluate the November 2008 Seepage Mitigation Plan proposed by MDLPA. EPA provided a technical review to the Jacksonville District of the proposed seepage mitigation plan in a letter dated September 15, 2008. EPA feels that the MDLPA's proposed seepage mitigation plan has promise; however, numerous technical and legal questions remain to be resolved and the proposed seepage mitigation features would not stop west-to-east seepage from the Pennsuco wetlands and WCA-3B north of the County's existing wellfield protection canal. Any additional proposed mining north of the County wellfield protection canal and west of the FPL powerline would exacerbate existing and problematic west-to-east seepage out of the Pennsuco wetlands (a mitigation area) and WCA 3B, such that EPA would be opposed to mining in that area.

*** Drinking Water**

Regarding drinking water impacts, Response 37, referring to Sections 3.7 and 4.7 of the DSEIS, states that "...water monitoring data collected in the Lake Belt do not indicate that water quality has been adversely impacted by mining activities." Similarly, Response 52, referring to benzene monitoring data in Section 3.7.1.3, states that "[a]ll data indicate that benzene levels have declined to below the MCL [Maximum Contamination Level] for benzene since July 2007 and have been below levels since October 2007." Response 37 also refers to Section 5.6, stating that this section "...includes a discussion of additional water monitoring requirements that may be included should any permits be issued or reinstated in reliance upon this SEIS, which would allow the USACE and the County to gather additional information on an ongoing basis and to require permittees to implement corrective measures (including if appropriate cessation of mining activities) if monitoring data indicate that water quality

is being adversely impacted by mining activities." Also, referring the Section 5.6, Response 38 states that "...a water quality program...would be required should any permits be issued or reinstated upon reliance of the information in this SEIS."

Moreover, we note that the COE defers to the Miami-Dade Department of Environmental Resources Management (DERM) regarding human health risk assessments of the Miami-Dade water supply. Response 39 states that (excerpted):

> *It is the responsibility of the USACE to ensure permitted activities are not contrary to public interest. Determination of human health risks in the drinking water supply is the responsibility of Miami-Dade County. Results of any USACE-required water quality monitoring in association with any permitted activities would be made available to DERM for their use in performing such assessments. Should DERM find it necessary to perform a human health risk assessment, the USACE would consider the results of such assessment in their decision making process.*

In regard to human health risk assessments, we agree with the COE's Response 39 in Appendix G indicating that DERM, in coordination with FDEP, would have the lead for such analyses.

*** Additional Comments**

The ROD should reference the Lake Belt Project's conformance with TMDLs where appropriate. EPA and the State of Florida have been working for a number of years on a large-scale TMDL study for dissolved oxygen and nutrients in the Everglades. This study covers an expansive area (Hendry, Broward, Palm Beach, Dade and other South Florida counties) that includes the project mining area. The proposed continuance of limestone mining will have to conform to the various nutrients and dissolved oxygen TMDLs as they are approved/established for the different Water Body Identification Systems (WBIDs). Since these TMDLs set allocations (e.g., for Total Phosphorus: TP), they could affect the mining of these areas.

It should be noted that implementation of these TMDLs is the responsibility of the State of Florida, and attainment of the TMDL(s) may necessitate a variety of measures depending upon the basin and the existing quality of water. Florida has presented these measures to EPA Region 4 in their long-term plan for achieving water quality goals for the various tributary basins. Decisions about how to attain these TMDL targets has been left up to the expertise of the FDEP, South Florida Water Management Division (SFWMD) and the private interests.